

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 94-732-T - ORDER NO. 94-1255 ✓  
DECEMBER 9, 1994

IN RE: Application of Tommy Price DBA Pro Delivery, 447 Sierra Road, Spartanburg, SC 29302, For a Class E Certificate of Public Convenience and Necessity. ) ORDER WAIVING  
REGULATION  
AND GRANTING  
CERTIFICATE

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of an Application filed by Tommy Price DBA Pro Delivery (the Applicant) for a Class E Certificate of Public Convenience and Necessity to render motor freight service as follows:

COMMODITIES IN GENERAL, AS DEFINED IN R. 103-211 (1):  
Between points and places in South Carolina.

Staff requests the Commission to waive its regulation concerning publication of the Notice of Filing and to consider the Application as filed. Staff's request is based on the effect of the Federal Aviation Administration Authorization Act of 1994 (the Act) which was signed by the President on August 23, 1994. Effective January 1, 1995, the Act preempts states from regulating the price, route, or service of motor carriers transporting property. As of January 1, 1995, a motor carrier, such as the Applicant, will only need to file evidence of financial responsibility relating to insurance requirements and an appropriate safety rating with state regulatory authorities. As the Commission will be preempted from regulating entry of motor

carriers, Staff requests a waiver of the Commission's regulation regarding publication of a Notice of Filing. The Commission has considered Staff's request for waiver of publication and for immediate consideration of the Application and concludes, and so finds, that Staff's request should be granted. The Commission believes that publication of a Notice of Filing would be useless and impractical as the Commission's authority concerning entry will be preempted as of January 1, 1995. Therefore, the Commission will waive the publication requirement and consider the Application as filed.

Upon consideration of the Application, the representations contained therein and the documentary evidence attached thereto, the Commission finds that the Applicant is fit, willing and able to perform the service to the public under the authority sought. In so granting the Application, the Commission recognizes that the Federal Aviation Administration Authorization Act of 1994, preempts Commission regulation of the transportation services sought by the Applicant effective January 1, 1995. Therefore, the Commission believes that it would be an exercise in futility to deny this Application.

IT IS THEREFORE ORDERED:

1. That the Application for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved.
2. That the Applicant file the proper license fees and other information required by S.C. Code Ann. §58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-280 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann., Vol. 26

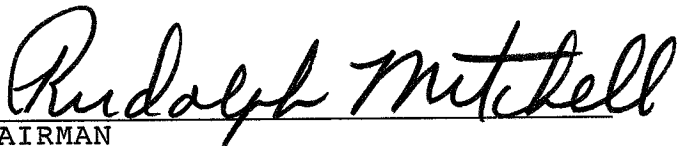
(1976), as amended, within sixty (60) days of the date of this Order or within such additional time as may be authorized by the Commission.

3. That upon compliance with S.C. Code Ann., §58-23-10, et seq. (1976), as amended, and the applicable provisions of R.103-100 through R.103-280 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier services granted herein.

4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
CHAIRMAN

ATTEST:

  
Executive Director

(SEAL)